

---

# Public Notice

---

**Applicant:**

Joseph S. Kalwara

**Date:**

Published: August 20, 2003

~~Expires: September 18, 2003~~**U.S. Army Corps  
of Engineers****In Reply Refer To:****Buffalo District CELRB-TD-R RE: 2002-00376(1) Section: NY 404**

Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).

Mr. Joseph S. Kalwara, 27 Faulkland Circle, Boyton Beach, Florida, 33426, is requesting Department of the Army (DA) authorization to fill 1.92 acres of jurisdictional wetland located south of Halsey Road, near the intersection of Judd Road in the Town of Whitestown, Oneida County, New York.

The applicant proposes to fill 1.92 acres of a 4.2 acre, predominantly scrub shrub wetland, to develop a 120 unit, self-storage facility and office space. Seven storage buildings (12,300 square feet), 43 parking spaces for vehicle storage (cars, trucks, vans, and recreational vehicles), a two-story office building (10,000 square feet) with parking spaces for 25 vehicles, a 12 ft wide access road and two storm water basins will be constructed on the property as per the enclosed drawings (See Sheet Nos. 2-13 of 15).

A total of 1.92 acres of Federal wetland will be permanently impacted by the proposed project. The storage facility will be constructed on Joseph Kalwara's property and the road right of way will be located on the adjacent parcel to the west, owned by Stanley Kalwara. Approximately 1.84 acres of wetland will be permanently filled and 0.08 acre of wetland will be secondarily impacted as shown on Sheet No. 13 of 15.

The 4.2 acre wetland complex is located south of the Judd Road-Halsey Road intersection. The proposed fill will impact approximately 1.5 acres of scrub shrub wetland, 0.40 acres of emergent wetland, 0.02 acres of wet meadow wetland and approximately 300 feet of intermittent stream channel located on the project site. The existing stream flows through the wetland and drains south into Oriskany Creek and the Mohawk River, a navigable waterway.

To compensate for the permanent filling of 1.92 acres of wetland, the applicant proposes to donate approximately 13.1 acres of land located adjacent to the Oriskany Flats Wildlife Management Area (OFWMA). The OFWMA is owned and managed by the New York State Department of Environmental Conservation (NYSDEC). Two parcels of land, 7.34 acres in size and 5.72 acres (total 13.1 ac.) will be donated to the NYSDEC to expand the OFWMA. The 13.1 acres of land consists of existing emergent wetland that is dominated by purple loosestrife (*Lythrum salicaria*) and a portion of the Old Erie Canal. The proposed

mitigation does not include compensation for impacts to the intermittent stream. The OFWMA is located in the Mohawk River watershed, just north of the Village of Oriskany, Town of Whitestown, Oneida County, New York as shown on the location map (Sheet No. 15 of 15).

The New York State Department of Transportation recently received DA authorization under Processing number 2001-01840 to fill 1.04 acres of the 4.2 acre wetland complex for the construction of the Judd Road Connector Project. The project is scheduled to commence in 2004. The Judd Road Corridor is proposed to be a 4-lane, divided, controlled access highway which will be connected to the existing Judd Road located east of the Kalwara parcel. As partial mitigation for impacts associated with the subject wetland, NYSDOT is authorized to mitigate on-site for unavoidable impacts associated with the project by constructing a 1.06 acre emergent, wet meadow, shrub wetland east of the new highway and south of Halsey Road. Approximately 1.24 acres of the original 4.2 acres of wetland will remain undisturbed if both projects are constructed (see Sheet No. 14 of 15).

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Sandra L. Doran, who can be contacted by calling (315) 255-8090, or by e-mail at: [sandra.l.doran@usace.army.mil](mailto:sandra.l.doran@usace.army.mil)

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by the proposed project, however, the Old Erie Canal which is located on the proposed mitigation site is listed on the National Register.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021-8964, and should be marked to the attention of Sandra L. Doran, or by e-mail at: [sandra.l.doran@usace.army.mil](mailto:sandra.l.doran@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Thomas C. Switala  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

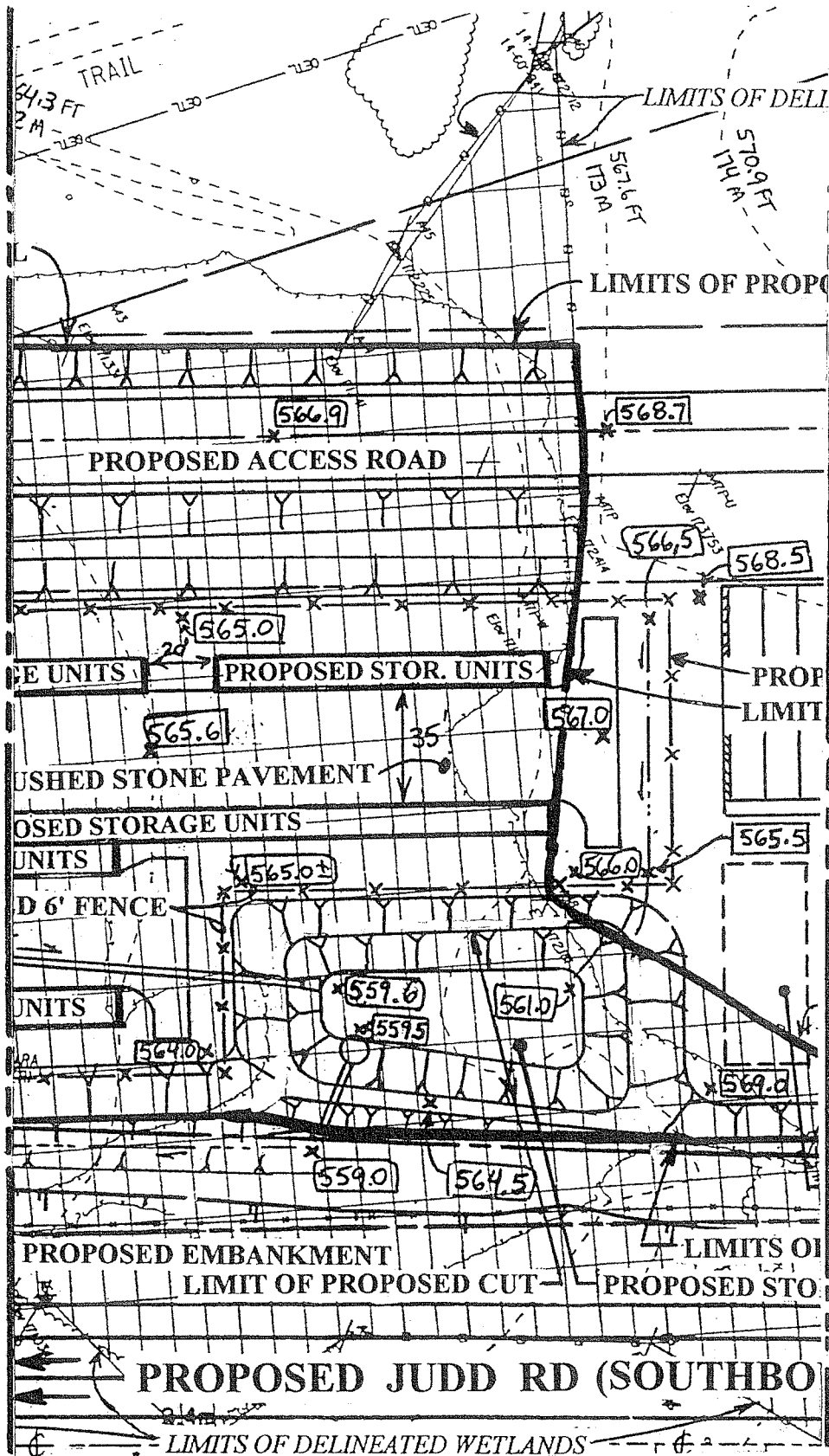




KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 2 of 15



MATCH LINE, CONT'N ON SHEET 4



MATCH LINE, CONT'N ON SHEET 2

ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

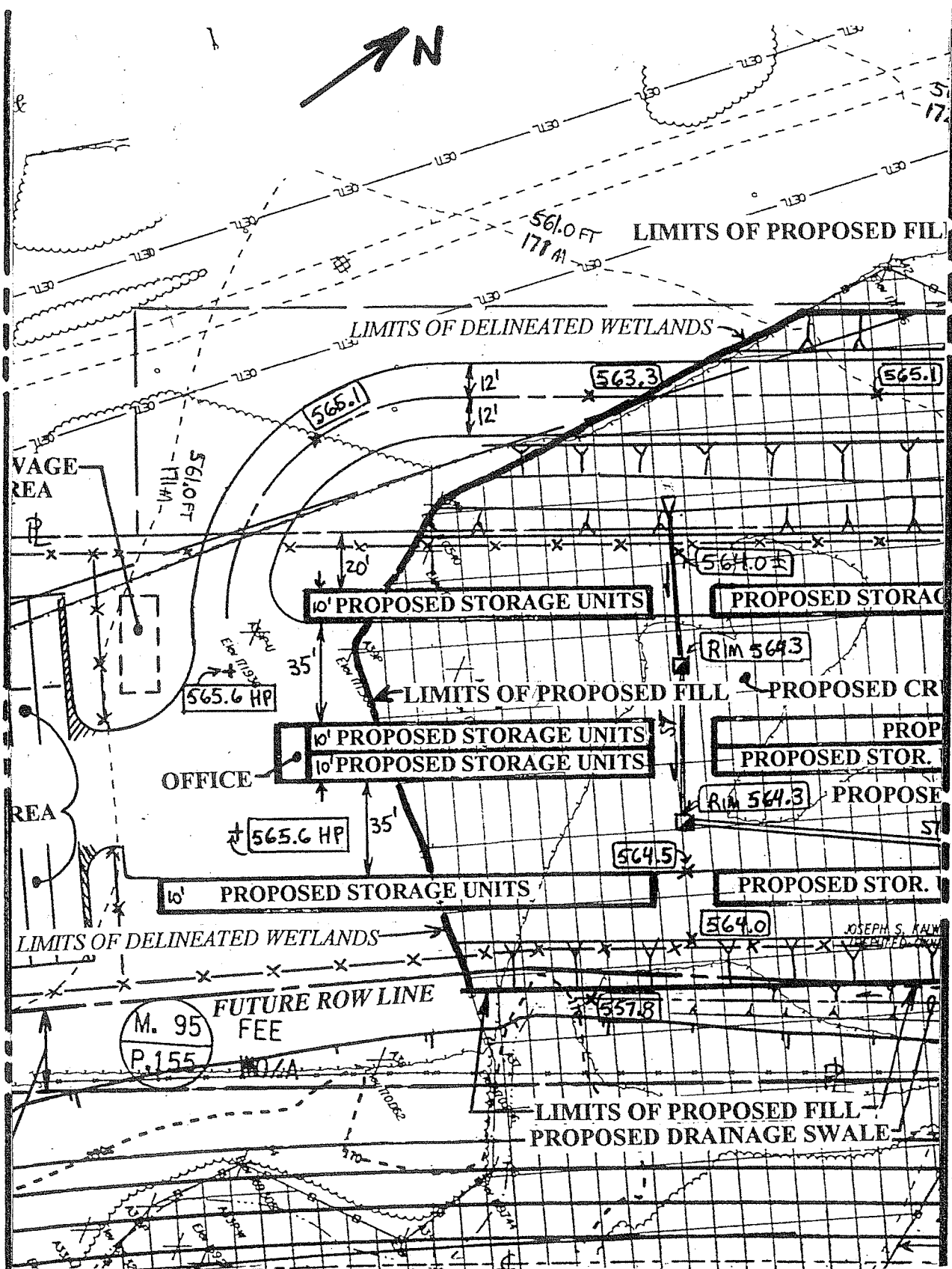
DATE **DEC, 2002**  
DRAWN **AMS**  
SCALE **1" = 50'**

**KALW**  
**HALSEY R**

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 3 of 15

MATCHLINE, CON'T ON SHEET 5

MATCHLINE, CON'T ON SHEET 3



ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

DATE **DEC, 2002**

DRAWN **AMS**

SCALE **1"= 50'**

**KALWA**  
**HALSEY RD,**

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 4 of 15

MATCH LINE, CONT'N SHEET 6

MATCH LINE, CONT'N SHEET 4

Stanley Kalwara  
Margo Kalwara  
(Reputed Owner)

APPROXIMATE LOCATION EXISTING  
ELECTRIC TRANSMISSION LINE EASEMENT (250 ft)  
[KELLY TO NIAGARA MOHAWK POWER CORP., L1358, P505] --  
(\* ACCURATE LOCATION OF EASEMENT COULD  
NOT BE DETERMINED FROM DESCRIPTION)

PROPOSED SEW  
DISPOSAL AREA

PROPOSED 6' FENCE

PROPOSED CAR/VAN STORAGE AREAS  
PROPOSED BOAT/TRUCK/RV STORAGE AREA  
(CRUSHED STONE PAVEMENT)

PROPOSED 6' FENCE

SED STORMWATER  
MGMT AREA

JOSEPH S. KALWARA  
(REPUTED OWNER)

LANDS TO BE ACQUIRED  
BY NYSDOT W/O ACCESS

LANDS TO BE ACQUIRED  
BY NYSDOT W/O ACCESS

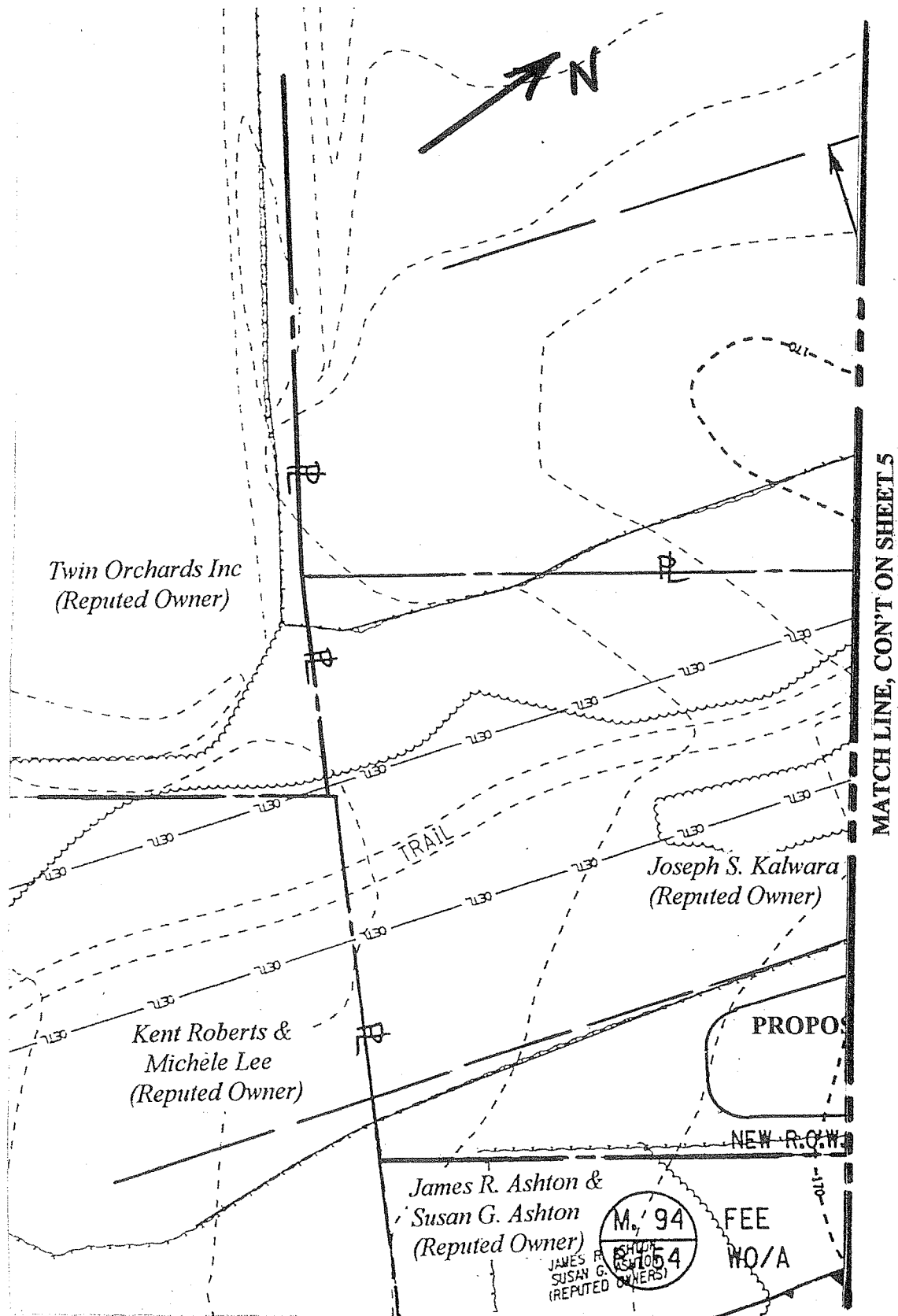
ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

DATE **DEC, 2002**  
DRAWN **AMS**  
SCALE **1" = 50'**

**KALWARA**  
**HALSEY RI**

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 5 of 15





ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

DATE **DEC, 2002**  
DRAWN **AMS**  
SCALE **1" = 50'**

**KALWA  
HALSEY RI**

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 6 of 15



PROPOSED CRUSHED STONE PAVEMENT

PROPOSED STORAGE UNITS

PROPOSED STOR. UNITS

PROPOSED 6' FENCE

ST

PROPOSED STOR. UNITS

JOSEPH S. KALWARA

PROPOSED EMBANKMENT

FILL  
SWALE

LIMIT OF PROPOSED CUT

LIM

PROPOSED JUDD RD

PROPOSED FILL

FINAL GRADE

PROPOSED  
STORAGE UNITS

PROPOSED CUT

FINAL GRADE

PROPOSED FILL

PROPOSED  
STORMWATER  
MANAGEMENT  
AREA

EXISTING GROUND

WETLANDS

PROPOSED  
OFFICE  
BLDG

570'

568'

566'

564'

562'

560'

SECTION B-B'

1" = 50' (H)

1" = 2' (V)

ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

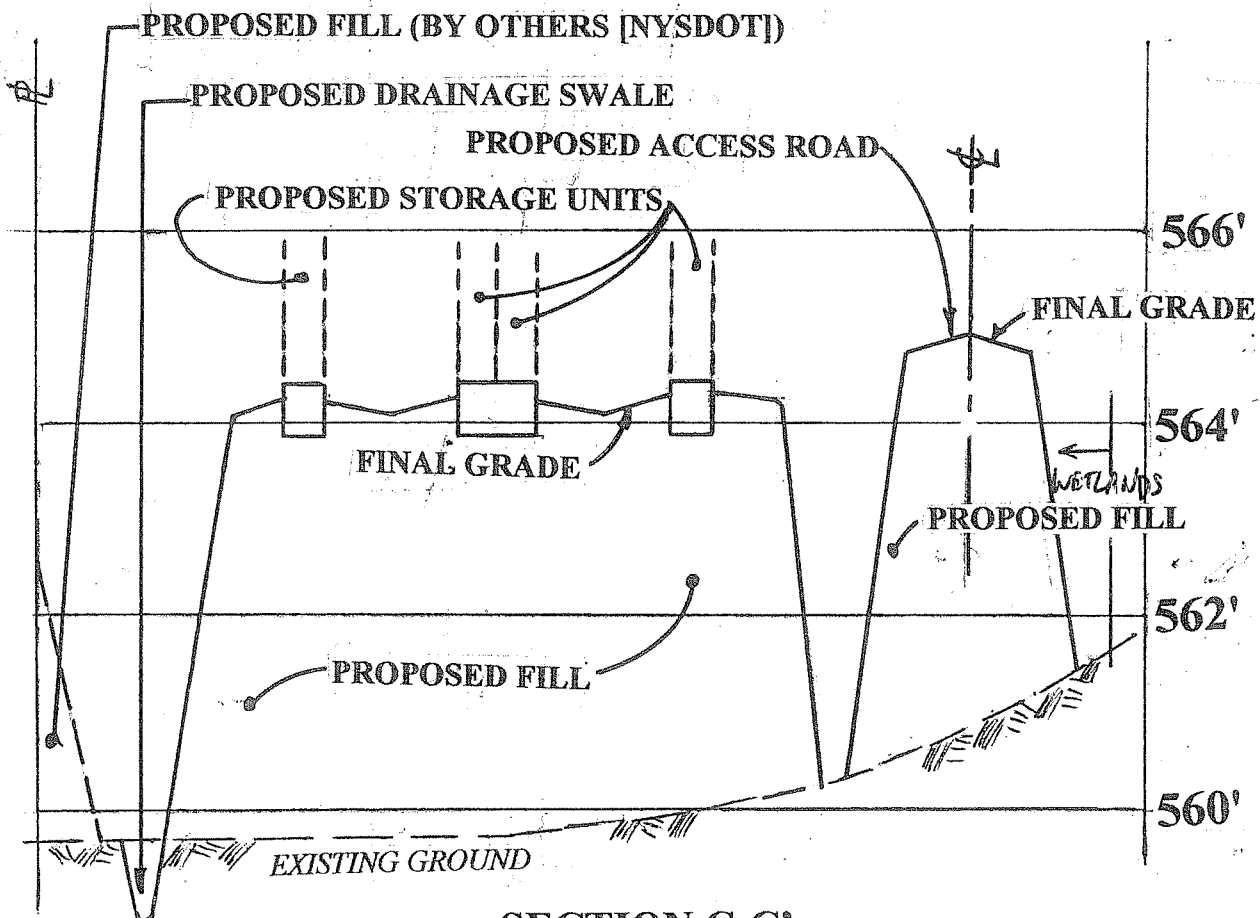
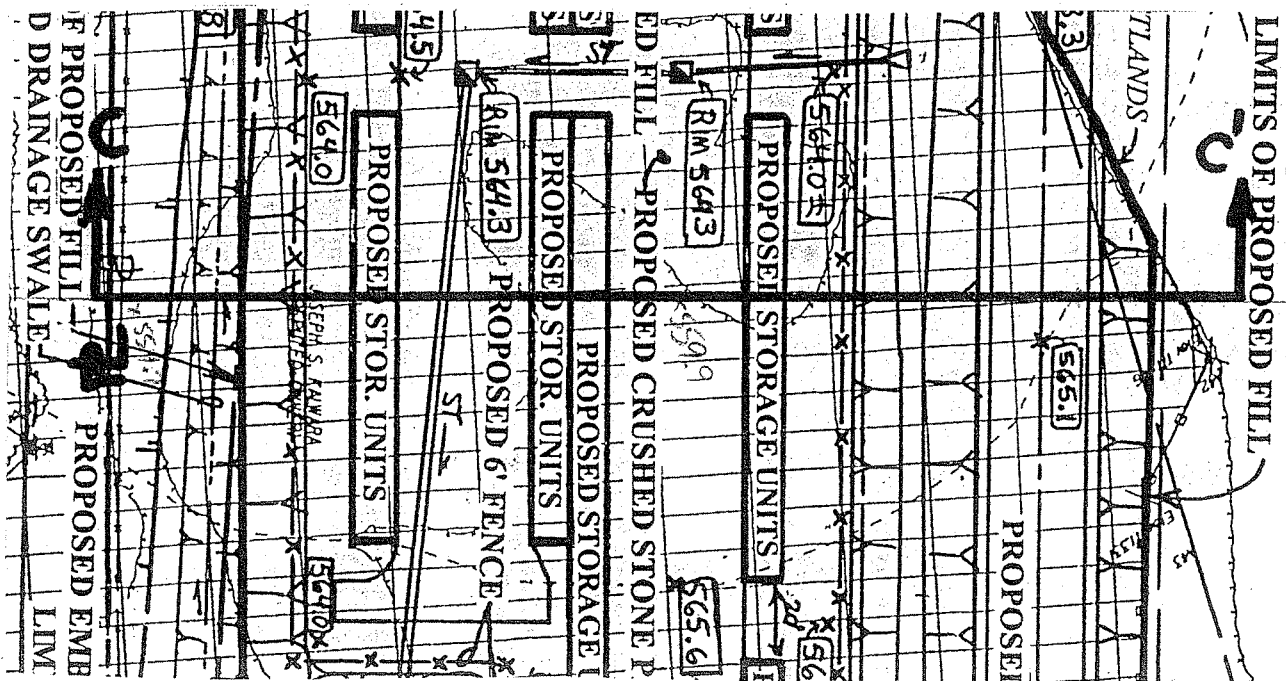
DATE MAY, 2003

DRAWN AMS

SCALE

KALWAI  
HALSEY RD,

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 8 of 15



### SECTION C-C'

1" = 50' (H)

1" = 2' (V)

ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

DATE MAY, 2003

DRAWN AMS

SCALE

KALWAI  
HALSEY RD,

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 9 of 15

MATCH LINE, CONT'N ON SHEET 11



Stanley Kalwara &  
Margo Kalwara  
(Reputed Owner)

Joseph S. Kalwara  
(Reputed Owner)

HALSEY ROAD

LIMITS OF DELINEATED WETLANDS

LANDS TO BE ACQUIRED  
BY NYSDOT W/O ACCESS

LIMITS OF DELINEATED WETLANDS

PROPOSED  
JUDD ROAD

JUDD ROAD

ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

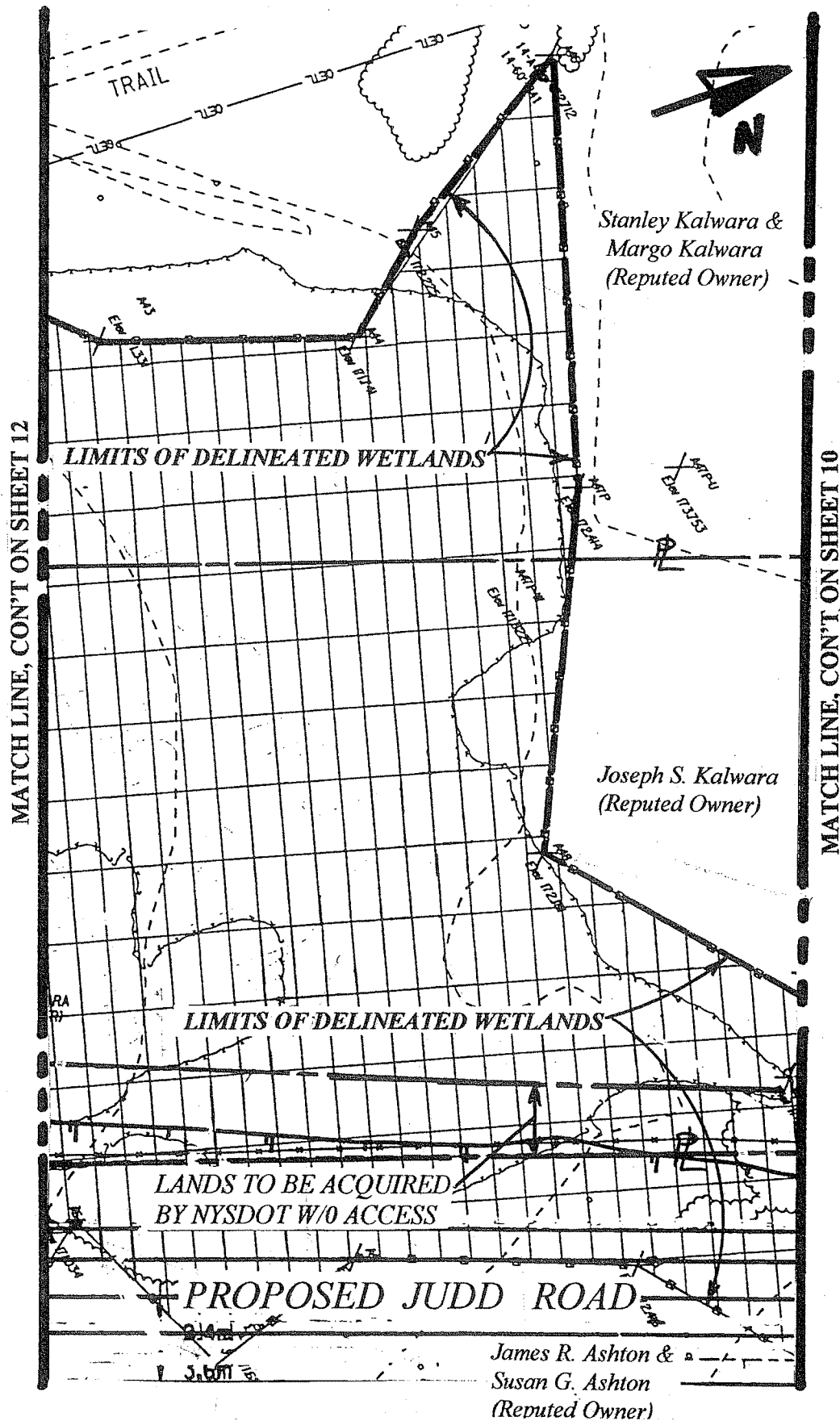
DATE MAY, 2003

DRAWN AMS

SCALE 1"= 50'

KALWA  
HALSEY R  
DE

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 10 of 15

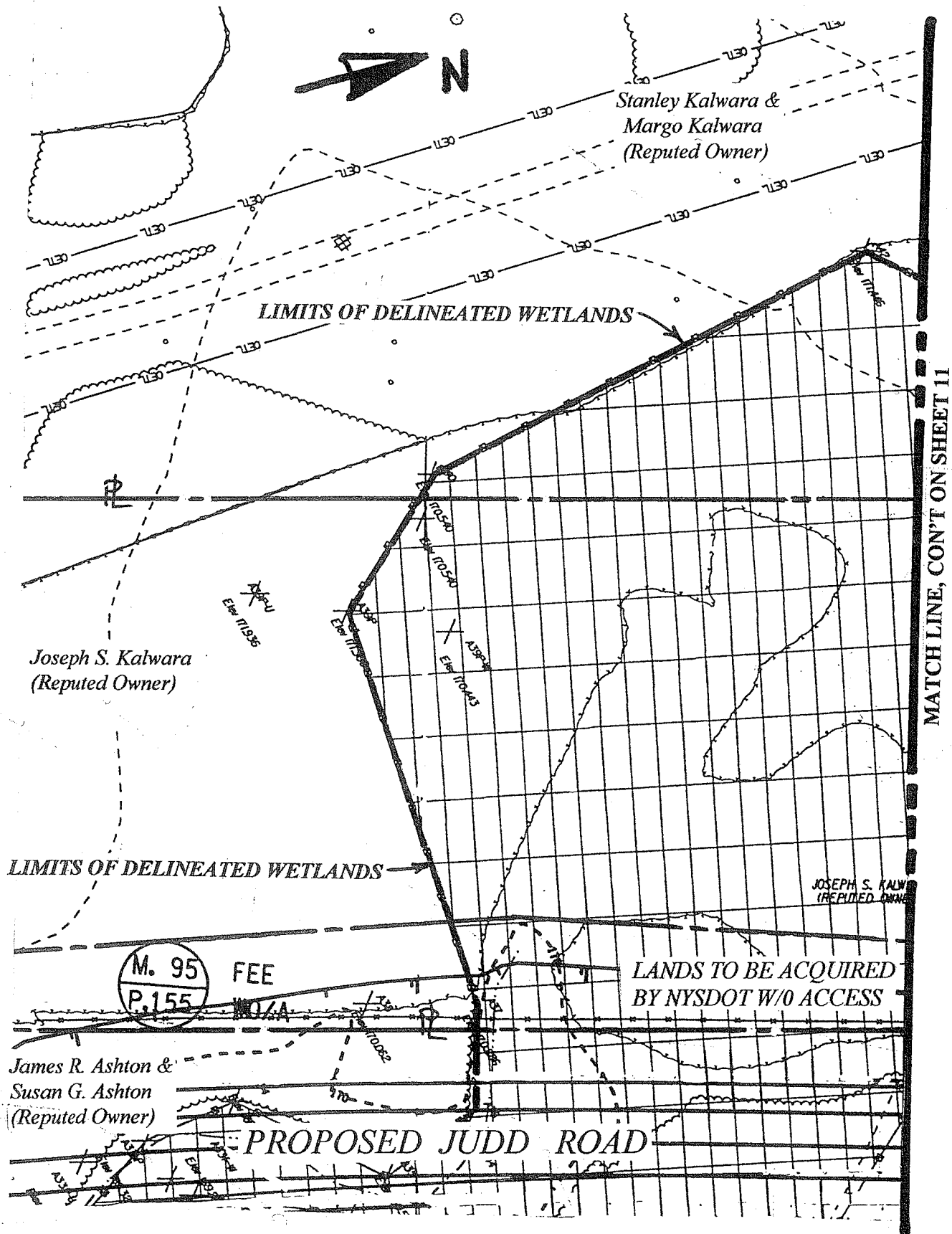


ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

DATE MAY, 2003  
DRAWN AMS  
SCALE 1" = 50'

KALWA  
HALSEY RD.  
DEL

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 11 of 15



ALAN M. SWIERCZEK, P.E.  
P.O. BOX 204  
WHITESBORO, N.Y. 13492

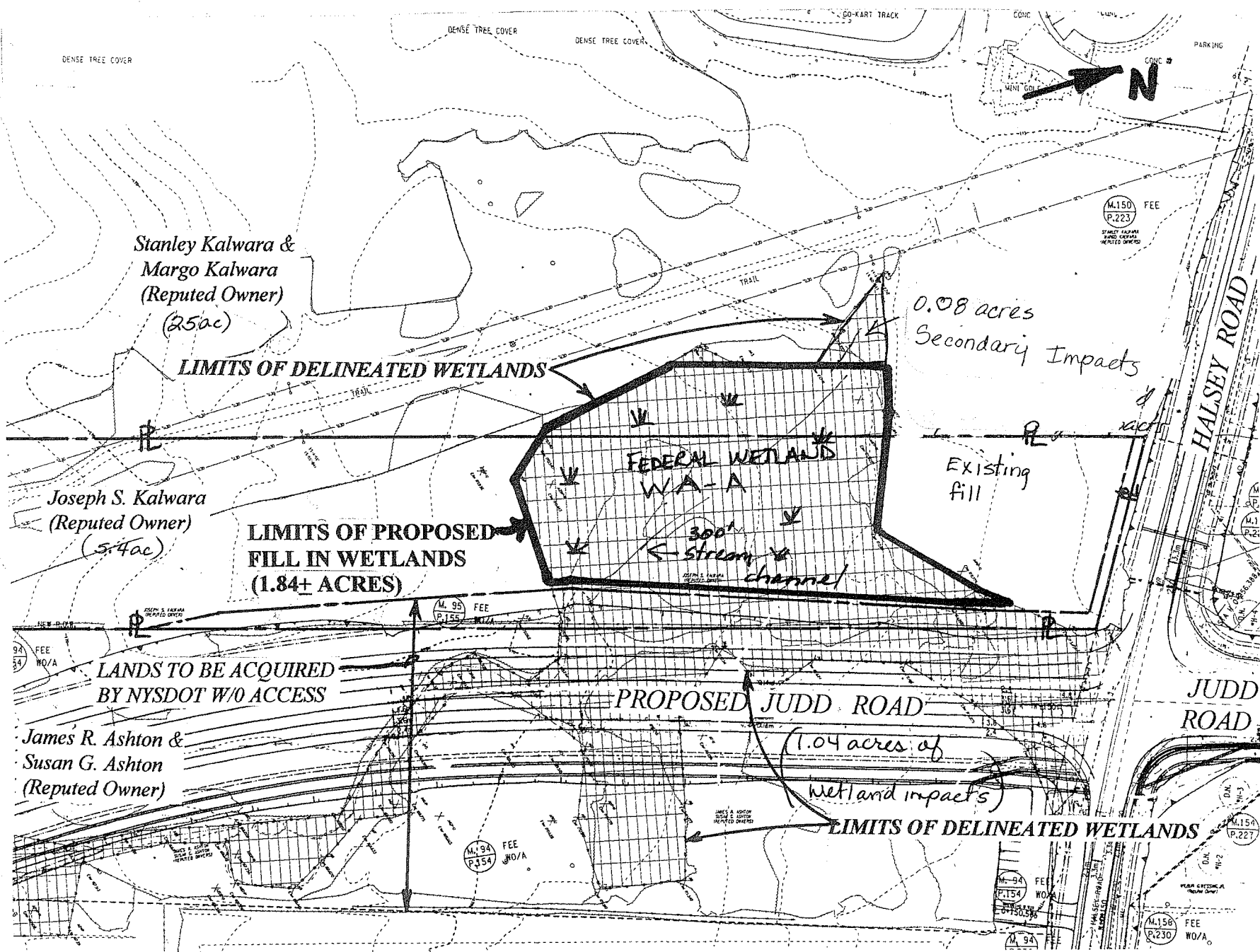
DATE MAY, 2003  
DRAWN AMS  
SCALE 1"= 50'

KALWAI  
HALSEY RD,  
DEL

KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 12 of 15



KALWARA, JOSEPH  
Processing No. 2002-00376 (1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 13 of 15



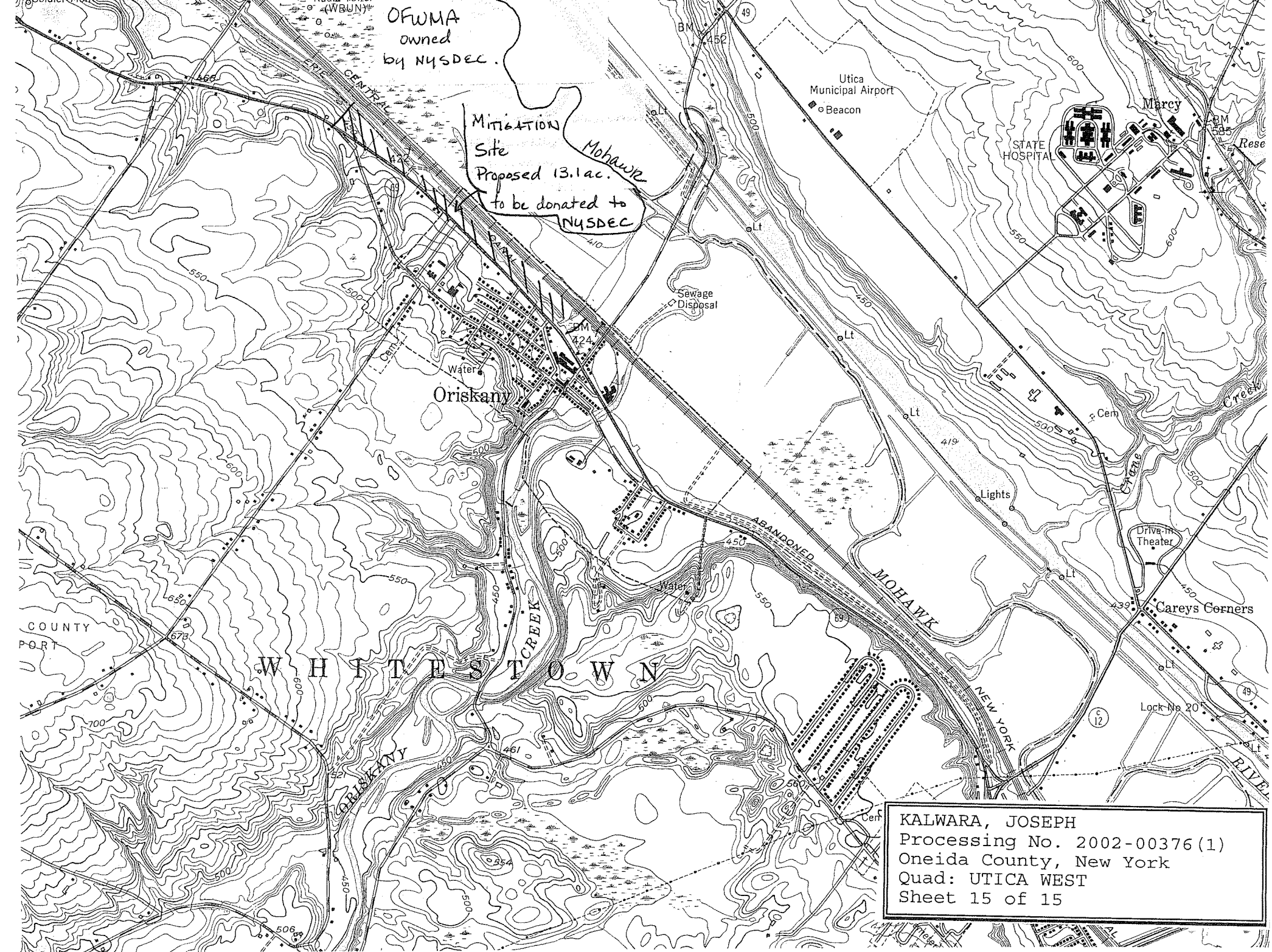


Map Showing Impacts to Wetland  
 Located south of Halsey Rd @ Judd Rd.  
 Total wetland Area  
 4.2ac

Judd Rd Corridor — 1.04ac.  
 Proposed Fill for Kalwara 1.92

Remaining Wetland = 1.24ac





KALWARA, JOSEPH  
Processing No. 2002-00376(1)  
Oneida County, New York  
Quad: UTICA WEST  
Sheet 15 of 15